

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RICHARD GLENN CARLTON,

Civil No. 06-857-JE

Petitioner,

O R D E R

v.

JEAN HILL,

Respondent.

Harrison Latto
1631 NE Broadway, No. 533
Portland, Oregon 97232

Attorney for Petitioner

Jonathan W. Diehl
State of Oregon Department of Justice
Criminal & Collateral Remedies
1162 Court Street, NE
Salem, Oregon 97301-4096

Attorney for Defendant

KING, Judge:

The Honorable John Jelderks, United States Magistrate Judge, filed Findings and Recommendation on October 8, 2010. Petitioner filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Jelderks.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Jelderks (#63) dated October 8, 2010 in its entirety.

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus (#12) is DENIED. I decline to issue a Certificate of Appealability because petitioner has not made a substantial showing of the denial of a constitutional right under 28 U.S.C. § 2253(c)(2).

DATED this 6th day of December, 2010.

/s/ Garr M. King

GARR M. KING
United States District Judge